

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: :  
Adam R. Schran :  
: :  
Conf. No.: 7133 : Group Art Unit: 2457 :  
: :  
Appln. No.: 10/078,815 : Examiner: Avi M. Gold :  
: :  
Filing Date: February 19, 2002 : Attorney Docket No.: 10397-3U1 :  
: :  
Title: SYSTEM AND METHOD FOR DETERMINING NETWORK  
CONFIGURATION SETTINGS THAT PROVIDE OPTIMAL NETWORK  
PERFORMANCE

**NOTICE OF APPEAL FROM PRIMARY EXAMINER TO THE**  
**BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Decision dated March 3, 2010 of the Primary Examiner twice rejecting claims 2-12, 14, 18, 23, 26, 27, 29-39, 41, 45, 50 and 53-58.

The item(s) checked below are appropriate:

<input checked="" type="checkbox"/>	Notice of Appeal fee is enclosed (if applicable)
<input type="checkbox"/>	\$270.00 - Small Entity has been previously established in this case.
<input type="checkbox"/>	\$540.00.
<input checked="" type="checkbox"/>	Not required (fee paid in prior appeal – see Notice of Appeal filed on October 5, 2007).

The Commissioner is hereby authorized to charge Deposit Account No. 50-1017 (Billing No. 210397.0007) as noted below.

Notice of Appeal fee in the amount of \$270.00.

Any deficiencies or overpayments in the above-calculated fee.

Respectfully submitted,

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By: Clark Jablon

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May 26, 2010  
(Date)